

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Anthony John Nicoloff,

Plaintiff,

vs.

Civil No. 09cv868 MCA/RLP

**Michael J. Astrue, Commissioner of the
Social Security Administration.**

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court *sua sponte*. On December 4, 2009, this Court entered an Order Setting Briefing Schedule. (Docket No. 13). Pursuant to that Order, Plaintiff was to file his Motion to Reverse or Remand Agency Decision on or before February 2, 2010. On January 13, 2010, Plaintiff's attorney moved to withdraw from this case. (Docket No. 14). This motion was granted on January 15, 2010. (Docket No. 15). Accordingly, Plaintiff is proceeding in this action *pro se*.

Plaintiff has not filed his motion to reverse or remand, nor has he moved for an extension of time to do to.


Where a plaintiff proceeds *pro se*, the court construes the *pro se* pleadings liberally. **Hall v. Doering**, 997 F. Supp. 1451 (D. Kan. 1998) (citing **Hughes v. Rowe**, 449 U.S. 5, 9 (1980)). However, a plaintiff's *pro se* status does not relieve him from complying with this court's procedural requirements. **Barnes v. United States**, 173 F. App'x 695, 697 (10th Cir. 2006) (citations omitted); see also **Santistevan v. Colo. Sch. of Mines**, 150 F. App'x 927, 931 (10th Cir. 2005) (holding that a *pro se* litigant must follow the same rules of procedure as other litigants).

A court has the inherent power to dismiss an action for failure to prosecute in order to achieve an orderly and expeditious resolution of cases. **Link v. Wabash Railroad Co.**, 370 U.S. 626, 630-631

(1962). Plaintiff's failure to comply with the Court's Order and procedural rules should, in the exercise of the Court's discretion, be adequate grounds for dismissal of the instant action without prejudice due to Plaintiff's failure to prosecute his action.

IT IS HEREBY ORDERED that Plaintiff shall have twenty-one (21) days from the date of this Order to file his Motion to Reverse or Remand Administrative Decision, or to show good cause for his failure to do so. The Court will address additional scheduling deadlines as necessary at that time.

IT IS SO ORDERED.



Richard L. Puglisi
Chief United States Magistrate Judge